

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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ROBIN BRUINS and BEVERLY  
BRUINS,

Case No. 2:15-cv-00324-APG-VCF

Plaintiffs,

## ORDER STAYING CASE

V.

DENNIS OSBORN, *et al.*

(ECF No. 88)

## Defendants

10 Defendants Fernando Herrera, Amy Poehl, and Dennis Slattery move to stay this case  
11 while they appeal to the Ninth Circuit Court of Appeals the issue of their qualified immunity.  
12 ECF No. 88. The plaintiffs have not filed an opposition to the motion. “The failure of an  
13 opposing party to file points and authorities in response to any motion . . . constitutes a consent to  
14 the granting of the motion.” Local Rule 7-2(d). In addition, “the filing of a notice of interlocutory  
15 appeal divests the district court of jurisdiction over the particular issues involved in that appeal.”  
16 *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 886 (9th Cir. 2001).  
17 Therefore, this case cannot proceed to trial until the Ninth Circuit rules on the defendants’ appeal.

18 IT IS ORDERED that the defendants' motion for stay (ECF No. 88) is GRANTED. This  
19 case is stayed in its entirety until the Ninth Circuit rules upon the defendants' appeal. The parties  
20 shall file a status report within 21 days after completion of the mediation or six months from entry  
21 of this order, whichever comes first. The parties' Joint Pre-trial Order (ECF No. 90) is rejected as  
22 moot. The parties shall file a new Joint Pre-trial Order after the case returns here from appeal.

DATED this 19th day of April, 2018.

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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE